



SO ORDERED.

SIGNED January 03, 2006.

A handwritten signature in black ink, reading "Gerald H. Schiff", is written over a horizontal line.

**GERALD H. SCHIFF
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

IN RE:

CAJUN FORGE COMPANY, INC.,

CASE NO. 03-51828

Debtor

CHAPTER 11

CAJUN FORGE COMPANY, INC.,

Plaintiff

VERSUS

ADV. PRO. 04-05074

ANVIL INTERNATIONAL, INC.,

Defendant

MEMORANDUM RULING

Cajun Forge Company, Inc. ("Debtor"), filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code on August 13, 2003, and on that day an order for relief was duly

entered. A plan pursuant to chapter 11 ("Plan") has been confirmed.

This adversary proceeding was filed on September 28, 2004, wherein the Debtor seeks to recover damages alleged to have been caused by certain conduct of Anvil International, Inc. ("Anvil"). The instant matter basically consists of a discovery dispute, but has been manifested by Anvil's **MOTION TO VACATE ORDERS GRANTING EXTENSION TO RESPOND TO DISCOVERY AND TO DISMISS WITH PREJUDICE FOR FAILURE TO PROSECUTE AND/OR IN THE ALTERNATIVE MOTION TO EXTEND TIME FOR DISCOVERY** ("Motion"). A hearing on the Motion was held on September 20, 2005. After hearing from counsel, the matter was taken under advisement.

Having reviewed the record of this proceeding, including exhibits and memorandum submitted in connection with the hearing on the Motion, and having heard from counsel, the court does not believe that such a draconian result of dismissal is warranted. The court, however, does believe that Anvil is entitled to certain relief.

The Debtor shall respond to all outstanding discovery within 15 days of the date of this order. Anvil is granted an extension to respond to outstanding discovery which responses shall be submitted within 30 days of the date of this order. Anvil may propound additional discovery requests for an additional period of

45 days from the date of this order. The Debtor is ordered to pay attorney fees in the amount of \$500.00 to counsel for Anvil. The court will hold an additional telephone status conference on February 17, 2006, at 10:00 a.m. to discuss further scheduling and set this matter for trial.

IT IS SO ORDERED.

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